

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOM WADHWA, M.D., et al. : CIVIL ACTION
v. :
R. JAMES NICHOLSON, et al. : NO. 07-3301

ORDER

AND NOW, this 24th day of April, 2009, upon consideration of the defendants' Amended Motion to Strike and to Dismiss the New Second Amended Consolidated Complaint Without Prejudice (Docket No. 75), and the plaintiffs' response thereto (Docket No. 82), and for the reasons set forth in the memorandum of law bearing today's date, IT IS HEREBY ORDERED that said motion is GRANTED in part and DENIED in part, as follows:

1. All allegations and claims unrelated to the plaintiffs' Bivens action are STRICKEN from the plaintiffs' new Second Amended Consolidated Complaint (Docket No. 70), but only (1) to the extent that the plaintiffs attempt to establish other non-Bivens causes of action arising out of events occurring on those dates, and (2) insofar as the plaintiffs may raise allegations of unrelated events occurring on other dates not mentioned in the Court's August 19, 2008, Order.

2. Defendant R. James Nicholson is DISMISSED as a defendant from this action with prejudice.

3. The plaintiffs' January 30, 2009, affidavit of service (Docket No. 71) is STRICKEN.

4. The plaintiffs shall serve each of the individual defendants in a manner permitted by Rule 4(i)(3) of the Federal Rules of Civil Procedure on or before May 20, 2009.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.